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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MICHAEL SEVILLA,

11 Petitioner,

12 v.

13 AMY MILLER, Warden,

14 Respondent.

CASE NO. 15cv1280 DMS (JLB)

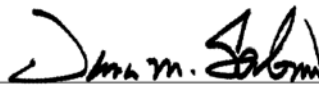
**ORDER (1) ADOPTING  
MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND  
(2) DISMISSING PETITION  
WITHOUT PREJUDICE**

15 On June 8, 2015, Petitioner Michael Sevilla ("Petitioner"), a state prisoner  
16 proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §  
17 2254. On December 28, 2016, Magistrate Judge Jill Burkhardt issued a Report and  
18 Recommendation ("R&R") recommending that the Court dismiss the petition without  
19 prejudice for lack of jurisdiction, or in the alternative, that the Court deny the petition  
20 on the merits. No party has filed objections to the R&R, and the time for doing so has  
21 expired.

22 This Court, having reviewed *de novo* the Magistrate Judge's R&R, adopts the  
23 Magistrate Judge's recommendation to dismiss the petition without prejudice.  
24 Accordingly, the petition is dismissed without prejudice for the reasons set out in the  
25 R&R. The Court finds no basis for a certificate of appealability.

26 **IT IS SO ORDERED.**

27 DATED: March 24, 2017

28   
HON. DANA M. SABRAW  
United States District Judge